THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.12886 OF 2005

-

Dated: 10-11-2005

-

Between

K. Mukunda Mohan Rao, S/o. Subrahmanyam, R/o. Bapulapadu (V&M), Krishna District.

...PETITIONER

AND

The Prohibition & Excise Commissioner, A.P., Hyderabad and others.

...RESPONDENTS

ORDER:

-

-

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents 3 and 4 in not opening the Sealed Tender submitted by the petitioner for allotment of Retail outlet at Shop No.237 of Appanaveedu Village, Hanuman Junction, Pedapadu Mandal, West Godavari District and the action on the part of the respondents 1 and 2 in not responding to the representation dated 04.06.2005 and the Telegram issued by him on 14.06.2005 as illegal arbitrary and contrary to the Andhra Pradesh Excise Rules, 2005.

Learned counsel for the respondents submits that the petitioner has not submitted a tender along with the requisite amount of the upset price as required under Rule 14(5) of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules, 2005. The petitioner has not furnished a sum equal to 10% of the upset price fixed

and notified by the auctioning authority for the shop No.237 notified for auction. The representation of the petitioner is not at all considered as the auction is already over and as the petitioner has not fulfilled the requisite conditions.

Having regard to the facts and circumstances of the case, no relief can be granted to the petitioner in this writ petition.

The writ petition is accordingly dismissed.

_____

V. ESWARAIAH, J

November 10, 2005

DSK